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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

CHRISTOPHER GARZA,

Plaintiff,

vs.

CITY OF SALEM, an Oregon municipal  
corporation; and OFFICER DAVID BAKER,  
an individual,

Defendants.

Case No. 3:22-cv-00721-HZ

PLAINTIFF'S OBJECTIONS TO  
DEFENDANTS' WITNESSES

Plaintiff respectfully objects to the following witnesses offered by Defendants.

As required by the Trial Management Order, these objections are grouped by type of objections.

Witness	Description	Objection/Argument
<b>DEPOSITION DESIGNATIONS</b>		
Juan Carlos Gomez-Vallez	Defendants' Deposition Designations and Intended Use at Trial	Witness does not qualify under any of the FRCP 32 reasons

Hector Gonzalez-Nunez	Defendants' Deposition Designations and Intended Use at Trial	Witness does not qualify under any of the FRCP 32 reasons
Christopher Garza	Defendants' Deposition Designations at: 25:20 – 26:13	This pertains to plaintiff's pre-existing neck injury. Plaintiff is dropping his claim for aggravation of neck injury and therefore this testimony is no longer pertinent to any claim
Christopher Garza	Defendants' Deposition Designations at: 28:15 – 28:23	Incomplete – does not include plaintiff's answer to the last question in the sequence
Christopher Garza	Defendants' Deposition Designations at: 29:18 – 30:19	Irrelevant and prejudicial – whether or not plaintiff paid for living on the property, and how much he paid, are not relevant to any claim or defense
Christopher Garza	Defendants' Deposition Designations at: 32:24 – 33:18	See Plaintiff's Motions in Limine 8 & 9
Christopher Garza	Defendants' Deposition Designations at: 35:11 – 35:17	See Plaintiff's Motions in Limine 8 & 9; also this is incomplete and does not contain the question asked
Christopher Garza	Defendants' Deposition Designations at: 42:9 – 42:10	Incomplete; does not contain the question asked nor the complete answer
<b>WITNESS STATEMENTS</b>		
Officer David Baker	Any testimony that he saw news reports of increased theft in Salem. Any testimony that he finds it rewarding to find felons and stolen cars.	Not relevant to any element of plaintiff's claims or defenses thereto; improper bolstering testimony
Kyle Felix	Any testimony as to the black object he purportedly saw in the car after he arrived on scene.	Speculative on multiple levels, including that he does not profess to know what the object was, whether it was in plaintiff's hand at any point, and whether it bears any similarity to the object Ofc. Baker claimed to have seen in plaintiff's hand
Christopher Garza	Any questions designed to elicit testimony that plaintiff was "on disability"	See Plaintiff's Motions in Limine 21 & 22

Tom Faciszewski, M.D.	Any testimony regarding plaintiff being “on disability” or “disabled.”	See Plaintiff’s Motions in Limine 21 & 22
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DATED this 9th day of October, 2023.

KAFOURY & MCDOUGAL

*/s/ Jason Kafoury*

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Jason Kafoury OSB# 091200  
jkafoury@kafourymcdougal.com  
Of Attorneys for Plaintiff

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFF'S OBJECTIONS TO DEFENDANTS' WITNESSES** on the defendant(s) on the date indicated below by the following method:

- ☐ mailing with postage prepaid
- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☒ email

to said person(s) a true copy thereof, addressed to said persons at their last known address(es)

and facsimile number(s) as follows:

Sebastian Tapia  
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*Attorneys for Defendants*

Dated this 9<sup>th</sup> day of October, 2023.

KAFOURY & MCDOUGAL

/s/ Jason Kafoury

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Of Attorneys for Plaintiff